

SUPPORT FOR THE AMENDMENTS

Claims 1-37 were previously canceled.

Claims 49, 50, 66, and 67 are canceled herein.

Claims 38, 43, 51, and 54 have been amended.

The amendment to Claims 38, 43, 51, and 54 is supported by the corresponding claims as previously filed. The specification has been amended to restore the original text.

No new matter is believed to have been added by the present amendments.

REMARKS

Claims 38-74 are pending in the present application.

At the outset, Applicants would like to thank Examiner Loewe for the recognition that Claims 40, 51, 57, and 68 are only objected to, presumably due to dependence upon a rejected base claim (see numbered paragraph 7 on page 1 of the Office Action mailed June 23, 2008). Reconsideration of the outstanding rejections is requested in view of the amendment and remarks set forth herein.

The rejection of Claims 38, 39, 55, 56, and 72-74 under 35 U.S.C. §112, first paragraph (written description), is respectfully traversed.

Applicants continue to traverse the Examiner's allegations that the amendment to replace the improper terms "carbamido" and "sulfamido" represents new matter for the reasons that follow:

In the response filed on May 23, 2008, Applicants amended the specification and Claims 38, 43, 49-51, and 54 to correct an incorrect descriptions resulting in the use of the terms "carbamido" and "sulfamido". The incorrect description was that "carbamido" was erroneously used for the expression "C(O)NH₂" (see compound Q3t on page 56); however, "carbamido" is not the proper term. The proper term for the expression "C(O)NH₂" is "carbamoyl". Similarly, in the specification, the incorrect description "sulfamido" was used for the expression "SO₂NH₂" (see compound Q3r on page 56); however, "sulfamido" is not the proper term. The proper term for the expression "SO₂NH₂" is "sulfamoyl".

In the outstanding Office Action, the Examiner has objected to the amendments to the specification and claims to replace "carbamido" with "carbamoyl" and to replace "sulfamido"

with “sulfamoyl” as being new matter. Specifically, the Examiner states that carbamido and sulfamido are not art recognized as being equivalent to carbamoyl and sulfamoyl, respectively. Further, the Examiner notes that the two species relied upon (e.g., Q3t and Q3r) do not support the broad genus.

Applicants respectfully submit that the foregoing assertions by the Examiner miss the point of the correction. The amendments to the specification and claims in the response filed May 23, 2008, was not intended to be a replacement between equivalents, but rather was a *correction* of an inaccurate naming in the original specification. Compounds Q3t and Q3r provide evidence that “carbamido” and “sulfamido” were incorrect names and that “carbamoyl” and “sulfamoyl” should have been used.

An amendment to correct an obvious error does not constitute new matter where one skilled in the art would not only recognize the existence of the error in the specification, but also recognize the appropriate correction. *In re Oda*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971). Applicants respectfully submit that it is apparent from compounds Q3t and Q3r that the skilled artisan would appreciate that “carbamido” and “sulfamido” were incorrect names and that the proper solution to this problem is the use of the terms “carbamoyl” and “sulfamoyl”.

Despite the foregoing, Applicants have amended the specification to reinsert terms “carbamido” and “sulfamido” and to delete these terms from the claims. Thus, this ground of rejection is now believed to be moot.

In view of the foregoing, Applicants request withdrawal of this ground of rejection.

There being no more outstanding rejections, Applicants request that the Examiner expand the search to include other non-elected species.

Applicants respectfully submit that the above-identified application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to be 'V. Shier', written over a horizontal line.

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